

**DURHAM, NORTH CAROLINA  
THURSDAY, JULY 24, 2003  
12:00 NOON**

**Pursuant** to the proper notification, the Durham City Council held a special meeting on the above date and time in the Committee Room with the following members present: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the special meeting to order.

**[EXCUSED ABSENCE – COUNCIL MEMBER STITH]**

**MOTION** by Council Member Best seconded by Council Member Cole-McFadden to excuse Council Member Stith from the special meeting was approved at 12:10 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

There were no priority items from the City Manager, City Attorney and City Clerk.

**[GENERAL BUSINESS AGENDA – PUBLIC HEARING]**

**SUBJECT: AMERICAN TOBACCO - INSTALLMENT PURCHASE  
FINANCING – NEW DURHAM CORPORATION**

Finance Director Ken Pennoyer made comments on this item.

Council Member Clement asked the administration what would be the cost to the City.

Finance Director Ken Pennoyer made comments noting the debt service cost will be covered completely by the Downtown Revitalization Fund.

City Attorney Blinder noted changes have been made to the resolution and the revised resolution should be version 12 rather than version 8.

Mayor Bell opened the public hearing. There being no one to speak in support or against this item, the Mayor declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Best to receive public comments concerning the execution and delivery by the City of an installment purchase contract in a principal amount not to exceed \$14,000,000; and

To adopt a resolution as amended authorizing the execution, delivery and sale of certificates of participation, Series 2003 pursuant to an installment purchase contract between New Durham Corporation and the City of Durham in an aggregate principal amount not to exceed \$14,000,000 and approving the form and substance, and authorizing the execution and delivery, of certain documents and instruments necessary to carry out the financing was approved at 12:20 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

#### **Resolution #9016**

#### **[CLOSED SESSION]**

**MOTION** by Council Member Best seconded by Council Member Cole-McFadden to go into a closed session to consult with the City Attorney's Office regarding the matter of Williams vs. Blue Cross Blue Shield vs. Orange County et al. pursuant to G.S. 143-318.11(a)(3) was approved at 12:20 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

#### **[OPEN SESSION]**

**MOTION** by Council Member Clement seconded by Council Member Cole-McFadden to return to open session was approved at 1:00 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

No action was taken by the City Council.

There being no further business to come before the City Council, the special meeting was adjourned at 1:00 p.m.

**[Immediately following -- City Council minutes for special meeting held at 1:00 p.m.]**

**DURHAM, NORTH CAROLINA  
THURSDAY, JULY 24, 2003  
1:00 P.M.**

**Pursuant** to the proper notification, the Durham City Council held a special meeting on the above date and time in the Committee Room with the following members present: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the special meeting to order.

There were no priority items from the City Manager, City Attorney and City Clerk.

**[CONSENT AGENDA]**

**SUBJECT: MAJOR SITE PLAN - FIRST CITIZENS BANK (D02-747)**

**MOTION** by Council Member Clement seconded by Council Member Edwards to approve a major site plan, submitted by Kimley Horn & Associates, Inc., on behalf of First Citizens Bank, consisting of a 4,613 square foot commercial bank with a drive-thru window, on 1.04 acres, zoned NC(D), F/J-B, located on the east side of Fayetteville Road, south of I-40 and Highway 54. (PIN 0718-04-72-9823), City Atlas: Page 49, Section D-4 was approved at 1:10 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

**SUBJECT: MAJOR SITE PLAN – BENTLEY RIDGE (D03-075)**

**MOTION** by Council Member Clement seconded by Council Member Edwards to approve a site plan for 19,200 square feet of retail/office space in two two-story buildings and 102 apartments in five three-story buildings, with 242 motor vehicle parking spaces and 28 bicycle spaces, on a +/-17.921 acre site zoned NC(D), O&I-2(D), RD and F/J-B, including payment in lieu of sidewalk due to the impending NC 55 widening, and 14% of the required parking within the floodway fringe was approved at 1:10 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

**SUBJECT: MAJOR SITE PLAN - SAGE & SWIFT GOURMET CATERING  
(D03-120)**

**MOTION** by Council Member Clement seconded by Council Member Edwards to approve a major site plan, submitted by the John R. McAdams Company, Inc., on behalf of Sage & Swift Gourmet Catering, consisting of a 5,000 square foot catering facility on 1.89 acres, zoned I-2, located on the west side of South Alston Avenue, south of Riddle Road, and north of Rustich Drive. (PIN 0830-03-41-6255). City Atlas: Page 38, Section B-3 was approved at 1:10 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT -  
CENTERPOINT II SUBDIVISION (D03-202)**

**MOTION** by Council Member Clement seconded by Council Member Edwards to approve a major site plan and preliminary plat for “Centerpoint II Subdivision”, submitted by John R. McAdams Company, Inc. on behalf of Westgate Durham, LLC, for 77 single-family residential lots on a +/-39.14 acre site zoned OI-2. The property is located south of Lumley Road, north of T. W. Alexander Drive and east of S. Miami Blvd. Tax reference 579-01-001F, PIN 0749-04-82-2040. City Atlas Page 45, Block D-3 was approved at 1:10 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

**SUBJECT: MAJOR SITE PLAN - SOUTHPOINT CENTER (D03-204)**

**MOTION** by Council Member Clement seconded by Council Member Edwards to approve a major site plan for a 23,470 square foot retail and restaurant development with 132 parking spaces and a buffer reduction of up to 37 feet on a 3.0729 acre site was approved at 1:10 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

**[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

**SUBJECT: STREET CLOSING - VILLAGE STREET & ALLEY NORTH OF  
BRANT STREET (SC02-06) – NORTH CAROLINA CENTRAL  
UNIVERSITY – SOUTH OF LAWSON STREET, WEST OF  
FAYETTEVILLE STREET**

To hold a public hearing and receive public comment, and consider closing 0.09 acre (4,096 square feet) of Village Street and 0.10 acre (4,356 square feet) of an unnamed alley extending between Brant Street and Lawson Street, east of Concord Street.

Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing. There being no one to speak in support or against this item, the Mayor declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Edwards to receive citizens' comments and to adopt orders permanently closing 136.53+linear feet (4,096 square feet) of Village Street and 311.10+linear feet (0.10) acre) of an unnamed alley north of Brant Street was approved at 1:12 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

**Ordinance #s 12848 - 12849**

**SUBJECT: REZONING MATTER CASE (P03-18) - NCCU SCIENCE CENTER/DORMITORY – NORTH CAROLINA CENTRAL UNIVERSITY – LAWSON, FAYETTEVILLE, BRANT AND CONCORD STREETS**

To hold a public hearing and receive public comment on rezoning Case P03-18 (NCCU Science Center/Dormitory), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-18 out of R-5 and placing same in and establishing same as OI-2(D).

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval - (5-0)

Planning Director Frank Duke briefed Council on the staff report. He gave an overview of committed elements, noted proposal is consistent with the South Central Durham Plan, will result in a decrease in traffic and will have no impact on schools. Also, he noted staff is recommending approval.

Mayor Bell opened the public hearing.

**Proponents**

Attorney Ken Spaulding, representing the applicant, spoke in support of this rezoning request. Mr. Spaulding noted the applicant is seeking a rezoning that will allow for a much needed science center and residential facility for NCCU students. He commented on meeting held between the applicant and neighborhood residents and urged Council to approve this rezoning request.

Chancellor James Ammons, representing NCCU, spoke in support of this item. He made comments about the increase in enrollment noting NCCU needs the new residence hall to ensure on-campus housing for a rapidly growing student population. Also, he made comments on the science center and urged Council to support this application.

Josephine Strayhorne, of 211 E. Lawson Street, made comments on the parking lot and urged Council to authorize the construction to get rid of eyesores that are in the two blocks of Lawson Street.

Vivian Patterson, of 409 E. Lawson Street, made comments on five houses that need to be torn down and the high grass. She spoke in support of NCCU starting their project.

No one spoke in opposition to this rezoning request.

Mayor Bell asked the applicant if a marker would be placed at the old Hillside High School site.

Chancellor James Ammons, representing NCCU, replied yes and noted the marker will be a committed element.

Planning Director Frank Duke noted the applicant has added one committed element to the development plan that a marker will be added to the site designating the property as the former site of old Hillside High School.

**MOTION** by Council Member Cole-McFadden seconded by Council Member Edwards to receive public comment on rezoning Case P03-18 (NCCU Science Center/Dormitory), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-18 out of R-5 and placing same in and establishing same as OI-2(D) was approved at 1:30 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Absent: Mayor Pro Tempore Cheek. Excused Absence: Council Member Stith.

There being no further business to come before the City Council, the special meeting was adjourned at 1:30 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk